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| US Form PTO/GB/08: Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |   | <b>Complete if Known</b><br>Application Number: 08/412,114<br>Filing Date: March 28, 1995<br>First Named Inventor: Twardowski et al.<br>Art Unit: Unknown<br>Examiner Name: Unknown<br>Attorney Docket Number: 08366.0005-00 |    |
| Sheet   | 1 | of   | 19 |



| U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS |                       |  |                                      |   |   |
|---|-----------------------|--|--------------------------------------|---|---|
| Examiner Initials                                   | Cite No. <sup>1</sup> | Document Number                          | Issue or Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|   |                       | Number-Kind Code <sup>2</sup> (if known) |                                      |   |   |
|   |                       | US- 5,156,592 (MX A)                     | 10-20-1992                           | Martin  |   |
|   |                       | US- 4,493,896 (MXJ)                      | 01-15-1985                           | Udell   |   |
|   |                       | US- 3,864,486 (MX M1)                    | 06-22-1976                           | Ring et al                                      |   |
|   |                       | US- 4,667,471 (MX P)                     | 06-18-1987                           | Twardowski et al                                |   |
|   |                       | US- 4,981,477 (MX R)                     | 01-01-1991                           | Schon   |   |
|   |                       | US- 5,053,023 (MX T)                     | 10-01-1991                           | Martin  |   |
|   |                       | US- 5,209,723 (MX V)                     | 05-11-1993                           | Twardowski                                      |   |
|   |                       | US-5,405,320 (MX W)                      | 04-11-1995                           | Twardowski                                      |   |
|   |                       | US- 4,405,313 (TX 5)                     | 09-20-1983                           | Sisley et al.                                   |   |
|   |                       | US- 5,057,073 (TX 6)                     | 10-15-1991                           | Martin  |   |
|   |                       | US- 4,961,809 (TX 7)                     | 10-09-1990                           | Martin  |   |
|   |                       | US- 4,895,561 (TX 8)                     | 01-23-1990                           | Mahurkar  |   |
|   |                       | US- 4,451,252 (TX 21)                    | 05-29-1984                           | Martin  |   |
|   |                       | US- 4,403,863 (TX 35)                    | 09-13-1983                           | Erdeman   |   |
|   |                       | US- 5,350,358 (TX 68)                    | 09-27-1994                           | Martin  |   |
|   |                       | US- 5,324,274 (TX 69)                    | 06-26-1994                           | Martin  |   |
|   |                       | US- 5,395,316 (TX 91)                    | 03-07-1995                           | Martin  |   |
|   |                       | US- 5,053,003 (TX 92)                    | 10-01-1991                           | Dedson  |   |

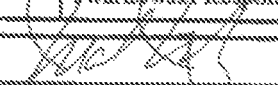
Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

| FOREIGN PATENT DOCUMENTS |                       |   |                             |   |   |                          |
|--------------------------|-----------------------|---|-----------------------------|---|---|--------------------------|
| Examiner Initials        | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Translation <sup>2</sup> |
|                          |                       | Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known) |                             |   |   |                          |
|                          |                       | Canadian Patent No. 1,150,122 (MX 2)  | 07-19-1983                  | Martin  |   |                          |
|                          |                       | Canadian Patent No. 1,092,927 (MX 4)  | 01-06-1981                  | Martin  |   |                          |
|                          |                       | EP 523,119 (MX H)   | 01-11-1995                  | Martin  |   |                          |
|                          |                       | Australian Patent No. 2,013,877 (MX J)  | 11-19-1995                  | Martin  |   |                          |
|                          |                       | WO 91/15255 (MX L)  | 10-17-1991                  | Martin  |   |                          |

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| Examiner Signature: | Date Considered: 07/03/2009 |
|---------------------|-----------------------------|

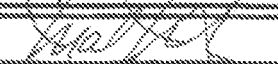
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| CG Form PTO/SB/08: Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |   | <b>Complete if Known</b><br>Application Number: 08/412,114<br>Filing Date: March 26, 1995<br>First Named Inventor: Twardowski et al.<br>Art Unit: Unknown<br>Examiner Name: Unknown<br>Attorney Docket Number: 08368.0505-00 |    |
| Sheet   | 2 | of   | 19 |

| NONPATENT LITERATURE DOCUMENTS |   |   |                              |
|--------------------------------|---|---|------------------------------|
| Examiner<br>Initials           | Cite<br>No.   | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>8</sup>     |
|                                |   | <b>INTERFERENCE 103,888 DOCUMENT TITLE</b>  |                              |
|                                |   | Declaration of Interference [paper 9]   | 08/19/1997                   |
|                                |   | Senior Party Twardowski's Preliminary Statement   | 12-19-1997                   |
|                                |   | Preliminary Motions Of Junior Party Martin Pursuant To 37 CFR Section 1.633   | 12-19-1997                   |
|                                |   | Request That Administrative Patent Judge Exercise Discretion To Add Patents To The Interference 37 CFR Sections 1.642 And 1.635   | 12-19-1997                   |
|                                |   | Twardowski Opposition To Motion A   | 03-10-1998                   |
|                                |   | Twardowski Opposition To Motion B   | 03-10-1998                   |
|                                |   | Twardowski Opposition To Motion C   | 03-10-1998                   |
|                                |   | Twardowski Opposition To Motion D   | 03-10-1998                   |
|                                |   | Twardowski Opposition To Contingent Motion E  | 03-10-1998                   |
|                                |   | Twardowski Opposition To Motion F And G   | 03-10-1998                   |
|                                |   | Twardowski Opposition To Martin Request To Add Patents  | 03-10-1998                   |
|                                |   | Declaration Of Zhyliut J Twardowski MD PhD  | 03-10-1998                   |
|                                |   | Declaration Of Gregory Lance Geary MD FACS  | 03-10-1998                   |
|                                |   | Declaration Of Nils Juhlin PhD  | 03-10-1998                   |
|                                |   | Declaration Of Raymond Bodicky  | 03-10-1998                   |
|                                |   | Declaration Of Donald Anringer  | 03-10-1998                   |
|                                |   | Reply To Twardowski Opposition To Martin Motion A   | 05-11-1998                   |
|                                |   | Reply To Twardowski Opposition To Martin Motion B   | 05-11-1998                   |
|                                |   | Reply To Twardowski Opposition To Martin Motion C   | 05-11-1998                   |
|                                |   | Reply To Twardowski Opposition To Martin Motion D   | 05-11-1998                   |
|                                |   | Reply To Twardowski Opposition To Martin Motion E   | 05-11-1998                   |
|                                |   | Reply To Twardowski Opposition To Martin Motion F And G   | 05-11-1998                   |
|                                |   | Reply To Twardowski Opposition To Martin Request To Add Patents   | 05-11-1998                   |
|                                |   | Martin Motion To Strike Portions Of Twardowski Oppositions Pursuant To 37 CFR Section 1.635   | 05-11-1998                   |
|                                |   | Martin Motion to Strike Twardowski Exhibits   | 05-11-1998                   |
|                                |   | Twardowski Response To Reply A  | 07-01-1998                   |
|                                |   | Twardowski Response To Reply B  | 07-01-1998                   |
|                                |   | Twardowski Response To Reply C  | 07-01-1998                   |
| Examiner<br>Signature          |  |   | Date<br>Considered: 07/08/09 |

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| IDS Form PTO/5B/08. Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |   | <b>Complete if Known</b><br>Application Number: 08/412,114<br>Filing Date: March 28, 1995<br>First Named Inventor: Twardowski et al.<br>Art Unit: Unknown<br>Examiner Name: Unknown<br>Attorney Docket Number: 08366.0005-00 |    |
| Sheet  | 3 | of   | 19 |

| NONPATENT LITERATURE DOCUMENTS |   |   |                           |
|--------------------------------|---|---|---------------------------|
| Examiner Initials              | Cite No. <sup>1</sup>   | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>2</sup>  |
|                                |   | <b>INTERFERENCE 103,988 DOCUMENT TITLE</b>  |                           |
|                                |   | Twardowski Response To Reply D  | 07-01-1998                |
|                                |   | Twardowski Response To Reply E  | 07-01-1998                |
|                                |   | Twardowski Response To Reply F And G  | 07-01-1998                |
|                                |   | Twardowski Opposition To Motion To Strike Portions Of Oppositions   | 07-01-1998                |
|                                |   | Twardowski Opposition to Martin Motion to Strike Exhibits   | 07-01-1998                |
|                                |   | Twardowski Motion To Strike Portions Of Martin's Replies  | 07-01-1998                |
|                                |   | Twardowski's Motion Under 37 CFR Section 1.633(c)(3) To Designate A Claim To Correspond To The Court And Alternative Request For APJ To Act Pursuant To 37 CFR Section 1.610(e)   | 07-01-1998                |
|                                |   | Twardowski's Motion Under 35 CFR Sections 1.635 And 1.645 For Permission To File A Belated Motion Under 37 CFR Section 1.633(c)(3)  | 07-01-1998                |
|                                |   | Twardowski's Contingent Motion to Strike Martin Exhibits  | 07-01-1998                |
|                                |   | Joint Stipulation Regarding Martin Motion to Strike Twardowski Exhibits and proposed order  | 06-25-1998                |
|                                |   | Supplemental Declaration Of Zhylyt J Twardowski MD PhD  | 06-24-1998                |
|                                |   | Supplemental Declaration Of Gregory Lance Geary MD FACS   | 06-29-1998                |
|                                |   | Supplemental Declaration Of Nils Juhlin PhD   | 06-22-1998                |
|                                |   | Supplemental Declaration Of Raymond Bodicky   | 06-25-1998                |
|                                |   | Supplemental Declaration Of Donald Anzinger   | 06-26-1998                |
|                                |   | Declaration Of Dinah C Davis  | 07-01-1998                |
|                                |   | Declaration Of Jeff E Schwartz Esq  | 07-01-1998                |
|                                |   | Martin Reply To Twardowski Opposition To Motion To Strike Portions Of Oppositions   | 07-16-1998                |
|                                |   | Martin Reply to Twardowski Opposition to Martin Motion to Strike Exhibits   | 07-16-1998                |
|                                |   | Martin Motion to Strike Twardowski Declarations Pursuant to 37 CFR Section 1.639(a)   | 07-16-1998                |
|                                |   | Martin Motion to Strike Twardowski Exhibits 46-54 and 58-61   | 07-16-1998                |
|                                |   | Martin Opposition To Twardowski's Motion Under 37 CFR Sections 1.633(c)(3) To Designate A Claim To Correspond To The Court And Alternative Request For APJ To Act Pursuant To 37 CFR Section 1.610(e)   | 07-21-1998                |
|                                |   | Martin Opposition To Twardowski Motion Under 37 CFR Sections 1.635 And 1.645 For Permission To File A Belated Motion Under 37 CFR Section 1.633(c)(3)   | 07-21-1998                |
|                                |   | Martin Opposition to Twardowski Motion to Strike Portions of Martin Replies   | 07-21-1998                |
| Examiner Signature             |  |   | Date Considered: 07/03/09 |

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Complete if Known

|                        |                   |
|------------------------|-------------------|
| Application Number     | 08/412,114        |
| Filing Date            | March 28, 1995    |
| First Named Inventor   | Twardowski et al. |
| Art Unit               | Unknown           |
| Examiner Name          | Unknown           |
| Attorney Docket Number | 08386.0005-00     |

## NONPATENT LITERATURE DOCUMENTS

| Examiner<br>Initials | Cite<br>No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>6</sup> |
|----------------------|-------------|---|--------------------------|
|                      |             | <b>INTERFERENCE 103,988 DOCUMENT TITLE</b>  |                          |
|                      |             | Martin Opposition to Twardowski Contingent Motion to Strike Martin Exhibits   | 07-21-1998               |
|                      |             | Martin Contingent Motion for Sanctions Pursuant to 37 CFR Section 1.635   | 07-21-1998               |
|                      |             | Martin Motion To Strike Portions Of Twardowski Responses To Martin Reply A And Martin Reply B   | 07-22-1998               |
|                      |             | Twardowski Reply Regarding Section 1.633(c)(3) Motion To Designate Claim  | 08-05-1998               |
|                      |             | Twardowski Reply Regarding Section 1.635 And 1.645 Motion To File Belated 1.633(c)(3) Motion  | 08-05-1998               |
|                      |             | Twardowski Reply Regarding Motion To Strike Portions Of Martin's Replies  | 08-05-1998               |
|                      |             | Twardowski Reply to Martin Opposition to Contingent Motion to Strike Martin Exhibits  | 08-05-1998               |
|                      |             | Twardowski Opposition to Martin Motion to Strike Twardowski Exhibits 46-54 and 58-61  | 08-05-1998               |
|                      |             | Twardowski Opposition to Martin Motion to Strike Twardowski Declarations  | 08-05-1998               |
|                      |             | Twardowski Motion Under 37 CFR Sections 1.635 And 1.645 To Substitute The Second Supplemental Declaration Of Mr Bodicky For The Declaration Of Mr Schwartz  | 08-05-1998               |
|                      |             | Second Supplemental Declaration Of Raymond Bodicky  | 08-05-1998               |
|                      |             | Declaration Of Christopher E Kondracki  | 08-05-1998               |
|                      |             | Supplemental Declaration Of Donald Anzinger   | 08-05-1998               |
|                      |             | Supplemental Declaration Of Raymond Bodicky   | 08-05-1998               |
|                      |             | Supplemental Declaration Of Gregory Lange Geary M.D. FACS   | 08-05-1998               |
|                      |             | Supplemental Declaration Of Nils Juhlin Ph.D.   | 08-05-1998               |
|                      |             | Supplemental Declaration Of Zbylut J Twardowski M.D. Ph.D.  | 08-05-1998               |
|                      |             | Twardowski Opposition to Contingent Motion for Sanctions  | 08-10-1998               |
|                      |             | Twardowski Opposition to Martin Motion to Strike Portions of Twardowski Responses   | 08-11-1998               |
|                      |             | Martin Reply to Twardowski Opposition to Motion to Strike Twardowski Exhibits 46-54 and 58-61   | 08-20-1998               |
|                      |             | Reply to Twardowski Opposition to Martin Motion to Strike Twardowski Declarations   | 08-20-1998               |
|                      |             | Martin Motion to Strike Twardowski Exhibits and Declarations  | 08/20/1998               |
|                      |             | Martin Reply to Twardowski Opposition to Contingent Motion for Sanctions  | 08/25-1998               |
|                      |             | Martin Contingent Motion to Disqualify Attorneys of Twardowski  | 08-25-1998               |

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|-----------------------|--------------------|--------------------|----------|
| Examiner<br>Signature | <i>[Signature]</i> | Date<br>Considered | 07/03/09 |
|-----------------------|--------------------|--------------------|----------|

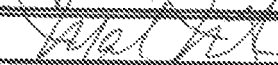
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| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br><i>(Use as many sheets as necessary)</i> |   | Application Number     | 08/412,114        |
|  |   | Filing Date            | March 28, 1995    |
|  |   | First Named Inventor   | Twardowski et al. |
|  |   | Art Unit               | Unknown           |
|  |   | Examiner Name          | Unknown           |
|  |   | Attorney Docket Number | 08386 0005-00     |
| Sheet  | 5 | of                     | 19                |

| NONPATENT LITERATURE DOCUMENTS |                 |   |              |
|--------------------------------|-----------------|---|--------------|
| Examiner Initials              | Cite No.        | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation* |
|                                |                 | <b>INTERFERENCE 103,988 DOCUMENT TITLE</b>  |              |
|                                |                 | Martin Opposition to Twardowski Motion to Substitute the Second Supplemental Bodicky Declaration for the Schwartz Declaration   | 08-25-1998   |
|                                |                 | Communication of Recent Case Law  | 08-25-1998   |
|                                |                 | Martin Reply to Twardowski Opposition to Martin Motion to Strike Portions of Twardowski's Responses   | 08-26-1998   |
|                                |                 | Twardowski Reply to Martin Opposition to the Motion to Substitute the Second Supplemental Bodicky Declaration   | 09-09-1998   |
|                                |                 | Twardowski Opposition to Martin Motion to Strike Twardowski Exhibits and Declarations   | 09-09-1998   |
|                                |                 | Twardowski Response to Communication of Case Law  | 09-14-1998   |
|                                |                 | Twardowski's Opposition to Martin Contingent Motion to Disqualify Attorneys of Twardowski with Appendices A Through F   | 09-14-1998   |
|                                |                 | Martin Reply to Twardowski Opposition to Motion to Strike Twardowski Exhibits and Declarations  | 09-24-1998   |
|                                |                 | Martin Reply to Twardowski Opposition to Martin Contingent Motion to Disqualify   | 09-29-1998   |
|                                |                 | Motion Under 37 CFR Section 1.635 To Present Further Rationale In Support Of Junior Party Motions C And D That Twardowski's Claims Are Unpatentable For Failing To Comply With The Written Description Requirement Of 35 USC § 112                              | 10-19-1999   |
|                                |                 | Twardowski Opposition To Martin's Motion To Present Further Rationale   | 11-08-1999   |
|                                |                 | Twardowski Response To Martin's Further Rationale   | 11-08-1999   |
|                                |                 | Reply To Twardowski's Opposition And Response To Martin's Motion Under 37 CFR Section 1.635 To Present Further Rationale In Support Of Junior Party Motions C And D   | 11-23-1999   |
|                                |                 | Twardowski Response To New Arguments In Martin's Reply  | 12-14-1999   |
|                                |                 | Notice of Relevant Federal Circuit Decision   | 10-18-1998   |
|                                |                 | Decision On Motions [paper 126]   | 01-08-2001   |
|                                |                 | Redeclaration [paper 127]   | 01-8-2001    |
|                                |                 | Preliminary Statement Of Junior Party Martin Pursuant To 37 CFR § 1.621 et seq.   | 12-19-1997   |
|                                |                 | Martin's Motion Under 37 CFR Section 1.640(c) For Reconsideration Of January 8 2001 Decision On Martin's Motion C; Exhibit B - Amendment  | 02-08-2001   |
|                                |                 | Twardowski Notice Regarding New Preliminary Statement   | 02-20-2001   |
|                                |                 | Amended Preliminary Statement of Junior Party Martin Pursuant to 37 CFR § 1.621 et seq.   | 02-16-2001   |
| Examiner Signature             | Date Considered |   | 07/03/09     |

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| Sheet  | 8 | of   | 19 |

| NONPATENT LITERATURE DOCUMENTS |   |   |                           |
|--------------------------------|---|---|---------------------------|
| Examiner Initials              | Cite No.  | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>5</sup>  |
|                                |   | <b>INTERFERENCE 103,988 DOCUMENT TITLE</b>  |                           |
|                                |   | Twardowski's Opposition To Martin's Motion For Reconsideration Of The January 8 2001 Decision On Motion C   | 03-01-2001                |
|                                |   | Decision Denying Martin's Request For Reconsideration [paper 133]   | 03-26-2001                |
|                                |   | Submission Of Recently Located United States Application File History   | 03-29-2001                |
|                                |   | Motion Of Junior Party Martin To Consider Newly Discovered Prior Art  | 04-02-2001                |
|                                |   | Twardowski's Identification Of Issues For Review At Final Hearing Pursuant To 37 CFR Section 1.640(b)   | 04-06-2001                |
|                                |   | Junior Party Martin's 37 CFR Section 1.640(b) Statement   | 04-06-2001                |
|                                |   | Twardowski's Motion To Strike Return Or Dismiss Unauthorized Paper and, Alternatively, Twardowski's Opposition To Martin's Motion To Consider Newly Discovered Prior Art  | 04-17-2001                |
|                                |   | Decision Dismissing Martin's Motion To Consider Canadian Patent No. 1,150,122 [paper 142]   | 04-23-2001                |
|                                |   | Declaration Of Jonathan E Last  | 05-01-2001                |
|                                |   | Declaration A Of Geoffrey S Martin  | 05-02-2001                |
|                                |   | Declaration B Of Geoffrey S. Martin   | 05-02-2001                |
|                                |   | Declaration Of Wayne E. Quanton   | 05-02-2001                |
|                                |   | Declaration Of Anand Ram  | 05-02-2001                |
|                                |   | Twardowski's Objections To The Admissibility Of Martin's Evidence   | 05-18-2001                |
|                                |   | Supplemental Declaration Of Geoffrey S Martin   | 06-03-2001                |
|                                |   | Supplemental Declaration Of Todd W Wight  | 06-04-2001                |
|                                |   | Agreed Statement Of Anand Ram Pursuant To § 1.672(h)  | 05-28-2002                |
|                                |   | Senior Party Twardowski's Notice Pursuant To 37 CFR § 1.632 Of Intent To Argue Abandonment Suppression Or Concealment   | 06-20-2002                |
|                                |   | Junior Party Martin's Objections To The Admissibility Of Senior Party Twardowski's Evidence   | 07-22-2002                |
|                                |   | Senior Party Twardowski's Supplemental Evidence In Response To Objections To Twardowski's Exhibits Introduced During Cross-Examination  | 08-16-2002                |
|                                |   | Senior Party Twardowski's Notice Pursuant To 37 CFR § 1.671(c)  | 08-16-2002                |
|                                |   | Senior Party Twardowski's Notice Pursuant To 37 CFR § 1.672(b) Including Index Of Witnesses And Exhibits  | 08-16-2002                |
|                                |   | Declaration Of Karl D. Nolph M.D.   | 08-09-2002                |
|                                |   | Declaration Of Bradford C. Fowler   | 08-14-2002                |
| Examiner Signature             |  |   | Date Considered: 07/03/04 |

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(Use as many sheets as necessary)

Sheet 7 of 18

## Complete if Known

|                        |                   |
|------------------------|-------------------|
| Application Number     | 08/412,114        |
| Filing Date            | March 28, 1995    |
| First Named Inventor   | Twardowski et al. |
| Art Unit               | Unknown           |
| Examiner Name          | Unknown           |
| Attorney Docket Number | 08358.0005-00     |

## NONPATENT LITERATURE DOCUMENTS

| Examiner Initials | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>2</sup> |
|-------------------|-----------------------|---|--------------------------|
|                   |                       | <b>INTERFERENCE 103,888 DOCUMENT TITLE</b>  |                          |
|                   |                       | Junior Party Martin's Objections To The Admissibility Of Senior Party Twardowski's Case-In-Chief And Rebuttal Declarations And Exhibits   | 08-30-2002               |
|                   |                       | Senior Party Twardowski's Supplemental Evidence In Response To Martin's Objections To The Admissibility Of Twardowski's Evidence  | 09-19-2002               |
|                   |                       | Supplemental Declaration Of Bradford C Fowler   | 09-13-2002               |
|                   |                       | Junior Party Martin's Request For Cross-Examination Pursuant To 37 CFR § 1.672(d)   | 09-26-2002               |
|                   |                       | Senior Party Twardowski's Notice Of Depositions Pursuant To 37 CFR §§ 1.673(e) And 1.673(g)   | 10-17-2002               |
|                   |                       | Joint Stipulation Regarding Filing Deposition Testimony   | 11-05-2002               |
|                   |                       | Letter Regarding The Filing Of The Certified Deposition Transcript Of Bradford C. Fowler  | 11-22-2002               |
|                   |                       | Supplemental To Junior Party Martin's Record  | 12-05-2002               |
|                   |                       | Letter Regarding The Filing And Service Of The Record And Exhibits For Senior Party Twardowski  | 12-06-2002               |
|                   |                       | Notice Of Filing Of Corrected Exhibits To Junior Party Martin's Record  | 12-13-2002               |
|                   |                       | Opening Brief At Final Hearing For Junior Party Martin  | 01-01-2003               |
|                   |                       | Proposed Findings Of Fact And Conclusions Of Law In Support Of Opening Brief At Final Hearing For Junior Party Martin   | 01-10-2003               |
|                   |                       | Junior Party Martin's Motion To Suppress Pursuant To 37 CFR § 1.656(h)  | 01-09-2003               |
|                   |                       | Notice Of Filing Of Corrected Exhibits To Junior Party Martin's Record  | 01-10-2003               |
|                   |                       | Senior Party Twardowski's Unopposed Motion To File Amended Papers Pursuant To 37 CFR § 1.635  | 02-26-2003               |
|                   |                       | Senior Party Twardowski's Amended Opening Brief For Final Hearing   | 02-26-2003               |
|                   |                       | Senior Party Twardowski's Amended Findings Of Fact And Conclusions Of Law   | 02-26-2003               |
|                   |                       | Twardowski's Amended Motion To Suppress Martin's Priority Evidence [MR 8-215 And MX 1-84] And Related Arguments In Its Opening Brief Pursuant To 37 CFR § 1.656(h)  | 02-26-2003               |
|                   |                       | Senior Party Twardowski's Amended Motion To Suppress Martin's New Patentability Attacks Pursuant To 37 CFR § 1.635  | 02-26-2003               |
|                   |                       | Reply Brief For Junior Party Martin   | 03-07-2003               |
|                   |                       | Junior Party Martin's Response To Senior Party Twardowski's Findings Of Fact And Conclusions Of Law Pursuant To 37 CFR § 1.656(g)   | 03-07-2003               |

|                    |  |                 |          |
|--------------------|--|-----------------|----------|
| Examiner Signature |  | Date Considered | 07/10/09 |
|--------------------|--|-----------------|----------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 909. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)


Sheet 8 of 18

## Complete if Known

|                        |                   |
|------------------------|-------------------|
| Application Number     | 08/412,114        |
| Filing Date            | March 28, 1995    |
| First Named Inventor   | Twardowski et al. |
| Art Unit               | Unknown           |
| Examiner Name          | Unknown           |
| Attorney Docket Number | 08366.0005-03     |

## NONPATENT LITERATURE DOCUMENTS

| Examiner<br>Initials | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>2</sup> |
|----------------------|--------------------------|---|--------------------------|
|                      |                          | <b>INTERFERENCE 103,988 DOCUMENT TITLE</b>  |                          |
|                      |                          | Junior Party Martin's Opposition To Senior Party Twardowski's Motion To Suppress Martin's Priority Evidence And Related Arguments Pursuant To 37 CFR § 1.656(h)   | 03-07-2003               |
|                      |                          | Junior Party Martin's Opposition To Senior Party Twardowski's Motion To Suppress Martin's New Patentability Attacks Pursuant To 37 CFR § 1.635  | 03-07-2003               |
|                      |                          | Junior Party Martin's Reply In Support Of Its Motion To Suppress Pursuant To 37 CFR § 1.656(h)  | 03-07-2003               |
|                      |                          | Notice Of Filing Of Corrected Exhibit To Junior Party Martin's Record   | 03-07-2003               |
|                      |                          | Decision Granting Twardowski's Unopposed Motion [paper 220]   | 04-01-2003               |
|                      |                          | Letter Submitting Transcript Of Final Hearing and Transcript  | 06-17-2003               |
|                      |                          | Final Decision Under 37 CFR § 1.658   | 07-30-2003               |
|                      |                          | Corrections To Final Decision Under 37 CFR § 1.658 [paper 225]  | 08-11-2003               |

|                       |   |                    |          |
|-----------------------|---|--------------------|----------|
| Examiner<br>Signature |  | Date<br>Considered | 07/03/04 |
|-----------------------|---|--------------------|----------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 9 of 19

## Complete if Known

|                        |                   |
|------------------------|-------------------|
| Application Number     | 08/12,114         |
| Filing Date            | March 28, 1995    |
| First Named Inventor   | Twardowski et al. |
| Art Unit               | Unknown           |
| Examiner Name          | Unknown           |
| Attorney Docket Number | 08366.0005-00     |

## NONPATENT LITERATURE DOCUMENTS

| Examiner Initials  | Cite No.        | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>a</sup> |
|--------------------|-----------------|---|--------------------------|
|                    |                 | <b>MARTIN RECORD INTERFERENCE 103,988</b>   |                          |
|                    |                 | DESCRIPTION   | DOCUMENT DATE            |
|                    |                 | Declaration of Todd W. Wight (MR 33-35)   | 05-04-2001               |
|                    |                 | Cross-Examination deposition of Jonathan E. Last (MR 45-116)  | 04-24-2002               |
|                    |                 | Cross-Examination of Wayne E. Quinton (MR 117-215)  | 06-11-2002               |
|                    |                 | Jointly filed US patent application (Udall and Martin) entitled "Hemodialysis Cannula for Subclavian Insertion" including declaration and power of attorney, executed on September 5, 1979 [MX 3]   |                          |
|                    |                 | Sheet of drawings with title "SC-400 Patent Pending [MX 6]  |                          |
|                    |                 | Letter from Geoff Martin to Mr. John Nelson, dated August 6, 1991 [MX 7]  | 08-06-1991               |
|                    |                 | Distribution agreement between Shiley, Inc. and Vas Cath, dated August 23, 1980 [MX 8]  | 08-23-1980               |
|                    |                 | "A Review of Hemodialysis Catheters and Access Devices" by Robert C. Hickman and Sandra Watkins, Dialysis and Transplantation, Vol. 16, Number 9, September 1987, pp. 481-485 [MX 9]  |                          |
|                    |                 | Letter from the Patent Office regarding certified copy of application Serial No. 06/254,109 [MX 10]   | 05-02-2001               |
|                    |                 | Certified copy of US Application Ser. No. 06/254,019, as filed April 13, 1981 [MX 11]   | 04-13-1981               |
|                    |                 | Invoices from 1982-1984 from Vas-Cath of Canada Ltd. [MX 12-MX 84]  | 1982-1984                |
|                    |                 | Declaration of Geoffrey S. Martin 12/17/1997 [MX D]   | 12-17-1997               |
|                    |                 | Declaration of Jonathan E. Last 12/17/1997 [MX E]   | 12-17-1997               |
|                    |                 | Declaration of Wayne E. Quinton 12/17/1997 [MX F]   | 12-17-2007               |
|                    |                 | Palmer, Russell A. et al., "Treatment of Chronic Renal Failure by Prolonged Peritoneal Dialysis", 274 New England Journal of Medicine 248-54 (February 3, 1996) [MX F1]   | 02-03-1996               |
|                    |                 | Palmer, Russell A. et al., "Prolonged Peritoneal Dialysis for Chronic Renal Failure", Lancet 700-702 (March 28, 1994) [MX F2]   | 03-28-1994               |
|                    |                 | Quinton, W.E. et al., "Eight Months' Experience with Silastic Teflon Bypass Cannulas", 8 Trans. Amer. Soc. Artificial Internal Organs 236-43 (1962) [MX F3]   | 1962                     |
|                    |                 | Quinton, W.E. et al., "Possible Improvements in the Technique of Long-Term Cannulation of Blood Vessels" 7 Trans. Amer. Soc. Artificial Internal Organs 60-63 (1961) [MX F4]  | 1961                     |
|                    |                 | Declaration of Robert R. Mallinckrodt, Esq. [MX M]  | 12-19-1997               |
|                    |                 | Declaration "A" Jeffrey A. Weiss, Ph.D. 05/11/1998 [MX X]   | 05-11-1998               |
|                    |                 | Declaration "B" Jeffrey A. Weiss, Ph.D. 05/11/1998 [MX Y]   | 05-11-1998               |
|                    |                 | File History, including patent application for Serial No. 06/254,019 as filed April 13, 1981 [MX 1 corrected]   | 04-13-1981               |
| Examiner Signature | Date Considered |   | 02/23/09                 |

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT


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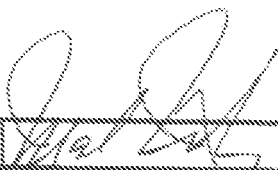
Sheet 10 of 19

## Complete if Known

|                        |                   |
|------------------------|-------------------|
| Application Number     | 08/12,114         |
| Filing Date            | March 28, 1995    |
| First Named Inventor   | Twandowski et al. |
| Art Unit               | Unknown           |
| Examiner Name          | Unknown           |
| Attorney Docket Number | 08366.0005-00     |

## MARTIN RECORD INTERFERENCE 103,988

|   |  | DESCRIPTION   | DOCUMENT<br>DATE |  |
|---|--|---|------------------|--|
|   |  |   |                  |  |
|  |  | Photographs of Catheter with Bradford C. Fowler notations 10/23/2002 [MX 302] | 10-23-2002       |  |
|   |  | Handwritten drawings by Karl D. Nolph, M.D. [MX 309]                          | 11-07-2002       |  |

|                       |   |                    |          |
|-----------------------|---|--------------------|----------|
| Examiner<br>Signature |  | Date<br>Considered | 07/03/09 |
|-----------------------|---|--------------------|----------|

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 11 of 19

## Complete if Known

|                        |                   |
|------------------------|-------------------|
| Application Number     | 08/412,114        |
| Filing Date            | March 28, 1995    |
| First Named Inventor   | Twardowski et al. |
| Art Unit               | Unknown           |
| Examiner Name          | Unknown           |
| Attorney Docket Number | 08366.0005-00     |

## NONPATENT LITERATURE DOCUMENTS

| Examiner Initials | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>6</sup> |
|-------------------|----------|---|--------------------------|
|                   |          | <b>TWARDOWSKI RECORD INTERFERENCE 103,888</b>   |                          |
|                   |          | <b>DESCRIPTION</b>  | <b>DOCUMENT DATE</b>     |
|                   |          | Cross-Examination of Deposition Testimony of Bradford C. Fowler dated October 23, 2002 [A158-260]   | 10-23-2002               |
|                   |          | Cross-Examination Deposition Testimony of Karl D. Nolph, M.D. dated November 7, 2002 [A261-402]   | 11-07-2002               |
|                   |          | Notice of Allowability [Paper No. 10/A] dated April 9, 1992 from prosecution history of Martin's 5,156,592 patent [TX 9]  | 04-09-1992               |
|                   |          | Combined Power of Attorney of Geoffrey S. Martin dated October 21, 1998 from prosecution history of Martin's 5,053,023 patent [TX 10]   | 10-10-1991               |
|                   |          | Combined Power of Attorney of Geoffrey S. Martin dated April 19, 1991 and Jonathan E. Last dated April 30, 1991, from prosecution history of Martin's 5,156,592 [TX 11]   | 04-30-1991               |
|                   |          | Information Disclosure Statement dated August 2, 1991 from prosecution history of Martin's 5,156,592 [TX 12]  | 08-02-1991               |
|                   |          | Information Disclosure Statement dated November 6, 1991, from prosecution history of Martin's 5,156,592 patent [TX 13]  | 11-06-1991               |
|                   |          | Dunn, J., Nylander, W. and Richie, R., "Central Venous Dialysis Access: Experience with a Dual-Lumen Silicone Rubber Catheter," Surgery, vol. 102, No. 2, pp. 784-789 [TX 14]   | 11-30-1987               |
|                   |          | Examiner Interview Summary [Paper No. 5] for interview dated March 6, 1996, from prosecution history of Twardowski's US Application No. 08/412,114 [TX 15]  | 03-06-1996               |
|                   |          | The CIBA Collection of Medical Illustrations, Vol. 5, "Heart," Section I, Anatomy Prepared by Frank H. Netter, M.D., 1969 [TX 17]   | 1969                     |
|                   |          | Amendment under 37 C.F.R. § 1.111 dated June 11, 1990, from prosecution history of Martin's 5,053,023 patent [TX 18]  | 06-11-1990               |
|                   |          | Marketing Brochures for Vas-Cath's (Martin) Pre-Curve catheter [TX 19]  |                          |
|                   |          | PCT Examination Report dated April 11, 1991 for PCT/CA 91/00117 to Vas-Cath Inc. [TX 20]  | 04-11-1991               |
|                   |          | Instructional Brochures for Quinton (Twardowski) Permcath® and Pediatric Permcath® Catheters [TX 22]  |                          |
|                   |          | Artwork for Quinton (Twardowski) Permcath® Instructional Brochure [TX 23]   |                          |
|                   |          | Artwork for Quinton (Twardowski) Permcath® Instructional Brochure [TX 24]   |                          |
|                   |          | Office Action [Paper No. 4] dated December 7, 1990, from prosecution history of Twardowski's US Application No. 07/461,684 [TX 26]  | 12-07-1990               |
|                   |          | Response to Requirement for Restriction dated December 18, 1990, from prosecution history of Twardowski's US Application No. 07/461,684 [TX 27]   | 12-18-1990               |
|                   |          | Amendment dated November 11, 1992, from prosecution history of Twardowski's 5,209,723 patent [TX 28]  | 11-11-1992               |
|                   |          | Amendment dated May 2, 1994, from prosecution history of Twardowski's 5,405,320 [TX 29]   | 05-02-1994               |

|                    |                 |
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| Examiner Signature | Date Considered |
| <i>[Signature]</i> | 07/13/09        |

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 12 of 19

## Complete if Known

Application Number 08/412,114  
Filing Date March 28, 1995  
First Named Inventor Twardowski et al.  
Art Unit Unknown  
Examiner Name Unknown  
Attorney Doctist Number 08386.0005-00

## NONPATENT LITERATURE DOCUMENTS

| Examiner Initials | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.                                | Translation <sup>1</sup> |
|-------------------|----------|--|--------------------------|
|                   |          | <b>TWARDOWSKI RECORD INTERFERENCE 103,988</b>  |                          |
|                   |          | <b>DESCRIPTION</b>   | <b>DOCUMENT DATE</b>     |
|                   |          | Decision on Request for Reconsideration, Christ v. Blake, Interference No. 103,443 (Bd. Pat. App. & Int. 1995) [TX 30]   | 03-28-1995               |
|                   |          | Photograph depicting configuration of catheter used in Twardowski patient who could not maintain AV blood access [TX 32]   |                          |
|                   |          | Pressure Points Diagram [TX 33]  |                          |
|                   |          | Twardowski, Z.J., "The Need for Swan Neck' Permanently Bent, Arcuate Peritoneal Dialysis Catheter," Peritoneal Dialysis Bulletin, October-December, 1985, pp. 219-223 [TX 34]  | 00-00-1985               |
|                   |          | Color FEA Analysis Figures [TX 39]   |                          |
|                   |          | Cross-sectional Dimensions for SD&G, VasCath Soft Cell, and VasCath Niagra catheters [TX 40]   |                          |
|                   |          | Load-Deflection Data from Mooney-Rivlin Analyses [TX 41]   |                          |
|                   |          | Kink Test Report [TX 43]   |                          |
|                   |          | Flow Test Report [TX 44]   |                          |
|                   |          | Certified translation and French version of Aubaniac, Robert, "L'injection intraveineuse sous-claviculaire," La Presse Medicale, 60, No. 68, October 25, 1952, pp. 1456-1461 [TX 46]   | 10-25-1952 X             |
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|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
| <i>[Signature]</i> | 07/03/09        |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 808. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 13 of 19

## Complete if Known

|                        |                   |
|------------------------|-------------------|
| Application Number     | 08/412,114        |
| Filing Date            | March 28, 1995    |
| First Named Inventor   | Twardowski et al. |
| Art Unit               | Unknown           |
| Examiner Name          | Unknown           |
| Attorney Doctel Number | 08366.0005-00     |

## NONPATENT LITERATURE DOCUMENTS

| Examiner Initials  | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>6</sup> |
|--------------------|----------|---|--------------------------|
|                    |          | <b>TWARDOWSKI RECORD INTERFERENCE 103,988</b>   |                          |
|                    |          | <b>DESCRIPTION</b>  | <b>DOCUMENT DATE</b>     |
|                    |          | Twardowski, Z.J., "Peritoneal Catheter Placement and Management," (Chapter 57), Therapy of Renal Diseases and Related Disorders, Suki and Massry, Eds., Third Edition, 1998, pp. 953-979 [TX 54]  | 06-00-1998               |
|                    |          | Catheter Compression Test with Septum Orientation [TX 55]   | 02-27-1998               |
|                    |          | Young, W.C., "Elastic Stability," (Chapter 14), Roark's Formula for Stress and Strain, Sixth Edition, 1989, pp. 667-689 [TX 56]   | 00-00-1989               |
|                    |          | Definition of "diameter" from Webster's Ninth New Collegiate Dictionary, 1990, p. 350 [TX 57]   | 00-00-1990               |
|                    |          | Certified copy of Decision on Request for Reconsideration, Christ v. Blake, Interference No. 103,443 (Bd. Pat. App. & Int [Certified by Court of Appeals for the Federal Circuit]) [TX 58]  | 03-30-1995               |
|                    |          | Prosecution history of Spanish Patent No. 2,069,287 (International Application No. PCT/CA91/00117) [TX 59]  | 04-23-1991               |
|                    |          | Certified copy of prosecution history for Martin's US Application No. 07/261,970 filed October 25, 1988 [TX 60]   | 10-25-1988               |
|                    |          | Photographic representation of dual lumen hemodialysis catheter made by Quinton Instrument Co. with parallel septum orientation and flat lying exit extensions [TX 61]  |                          |
|                    |          | Excerpts from Dialysis and Transplantation, May, 1982, Volume 11, No. 5 [TX 65]   | 05-00-1982               |
|                    |          | Excerpts from Dialysis and Transplantation, June, 1982, Volume 11, No. 6 [TX 66]  | 06-00-1982               |
|                    |          | Excerpts from Dialysis and Transplantation, July, 1982, Volume 11, No. 7 [TX 67]  | 07-00-1982               |
|                    |          | Excerpts from Dialysis and Transplantation, August, 1982, Volume 11, No. 8 [TX 68]  | 08-00-1982               |
|                    |          | Excerpts from Dialysis and Transplantation, September 1982, Volume 11, No. 9 [TX 69]  | 09-00-1982               |
|                    |          | Excerpts from Dialysis and Transplantation, November, 1982, Volume 11, No. 11 [TX 70]   | 11-00-1982               |
|                    |          | Excerpts from Dialysis and Transplantation, December, 1982, Volume 11, No. 12 [TX 71]   | 12-00-1982               |
|                    |          | Excerpts from Dialysis and Transplantation, January, 1983, Volume 12, No. 1 [TX 72]   | 01-00-1983               |
|                    |          | Excerpts from Dialysis and Transplantation, February, 1983, Volume 12, No. 2 [TX 73]  | 02-00-1983               |
|                    |          | Excerpts from Dialysis and Transplantation, March, 1983, Volume 12, No. 3 [TX 74]   | 03-00-1983               |
|                    |          | Excerpts from Dialysis and Transplantation, April, 1983, Volume 12, No. 4 [TX 75]   | 04-00-1983               |
|                    |          | Excerpts from Dialysis and Transplantation, May, 1983, Volume 12, No. 5 [TX 76]   | 05-00-1983               |
|                    |          | Excerpts from Dialysis and Transplantation, June, 1983, Volume 12, No. 6 [TX 77]  | 06-00-1983               |
|                    |          | Excerpts from Dialysis and Transplantation, July, 1983, Volume 12, No. 7 [TX 78]  | 07-00-1983               |
|                    |          | Excerpts from Dialysis and Transplantation, August, 1983, Volume 12, No. 8 [TX 79]  | 08-00-1983               |
| Examiner Signature |          | Date Considered   | 07/05/04                 |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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| IDS Form PTO/SB08. Substitute for form 1449A/PTO   |    | Complete if Known      |                   |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><i>(Use as many sheets as necessary)</i> |    | Application Number     | 08/412,114        |
|  |    | Filing Date            | March 28, 1995    |
|  |    | First Named Inventor   | Twardowski et al. |
|  |    | Art Unit               | Unknown           |
|  |    | Examiner Name          | Unknown           |
|  |    | Attorney Docket Number | 08386.0005-00     |
| Sheet  | 14 | of                     | 19                |

| NONPATENT LITERATURE DOCUMENTS |                       |   |                          |
|--------------------------------|-----------------------|---|--------------------------|
| Examiner Initials              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>2</sup> |
|                                |                       | <b>TWARDOWSKI RECORD INTERFERENCE 103,988</b>   |                          |
|                                |                       | <b>DESCRIPTION</b>  | <b>DOCUMENT DATE</b>     |
|                                |                       | Excerpts from Dialysis and Transplantation, September, 1983, Volume 12, No. 9 [TX 80]   | 09-00-1983               |
|                                |                       | Excerpts from Dialysis and Transplantation, May, 1984, Volume 13, No. 5 [TX 81]   | 05-00-1984               |
|                                |                       | Excerpts from Dialysis and Transplantation, June, 1984, Volume 13, No. 6 [TX 82]  | 06-00-1984               |
|                                |                       | Excerpts from Dialysis and Transplantation, July, 1984, Volume 13, No. 7 [TX 83]  | 07-00-1984               |
|                                |                       | Excerpts from Dialysis and Transplantation, September, 1984, Volume 13, No. 9 [TX 84]   | 09-00-1984               |
|                                |                       | Excerpts from Dialysis and Transplantation, October, 1984, Volume 13, No. 10 [TX 85]  | 10-00-1984               |
|                                |                       | Excerpts from Dialysis and Transplantation, March, 1985, Volume 14, No. 3 [TX 86]   | 03-00-1985               |
|                                |                       | Excerpts from Dialysis and Transplantation, May, 1985, Volume 14, No. 5 [TX 87]   | 05-00-1985               |
|                                |                       | Excerpts from Dialysis and Transplantation, August, 1984, Volume 13, No. 8 [TX 93]  | 08-00-1984               |
|                                |                       | Abbreviated Curriculum Vitae of Karl D. Nolph, M.D. [TX 94]   | 00-00-0000               |
|                                |                       | University of Missouri Invention Disclosure NO. 85-UMC-044 dated June 7, 1985 [TX 95]   | 06-07-1985               |
|                                |                       | University of Missouri Invention Disclosure No. 89-UMC-003 dated June 7, 1985 [TX 96]   | 07-11-1988               |
|                                |                       | Resume of Bradford C. Fowler [TX 97]  | 00-00-0000               |
|                                |                       | Agreement between Quinton Instrument Co. and the University of Missouri dated August 15, 1988 [TX 98]   | 08-15-1988               |
|                                |                       | Correspondence between Bradford C. Fowler and University of Missouri personnel Vincent Kell, dated August 17, 24, and 31, 1988 concerning the Confidentiality Agreement of Twardowski Exhibit 98 [TX 99]  | 08-17-1988               |
|                                |                       | Excerpts from Dialysis and Transplantation, June, 1988, Volume 17, No. 6 [TX 100]   | 06-00-1988               |
|                                |                       | Notes from November 8, 1988, telephone conversation between Zbylut J. Twardowski, M.D. and Bradford C. Fowler from Bradford C. Fowler's May, 1988 - December, 1990 telephone log [TX 101]   | 00-00-1988               |
|                                |                       | Photograph taken January 18, 1989, depicting three wire models of swan neck pigtail intravenous catheters made by Zbylut J. Twardowski, M.D. [TX 102]   | 01-18-1989               |
|                                |                       | Photograph taken January 18, 1989, depicting Bradford C. Fowler, Zbylut J. Twardowski, M.D. and Wayne E. Quinton [TX 103]   | 01-18-1989               |
|                                |                       | Memo dated January 21, 1989, from Bradford C. Fowler to Quinton Instrument Co. personnel regarding Zbylut J. Twardowski, M.D.'s January 16-18, 1989 visit [TX 104]  | 01-21-1989               |
|                                |                       | Notes from March 23 and April 3, 1989 telephone conversations between Zbylut J. Twardowski, M.D. and Bradford C. Fowler from Bradford C. Fowler's May, 1988 - December, 1990 telephone log [TX 105]   | 00-00-1988               |

|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
| <i>[Signature]</i> | 07/03/09        |


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|   |    |                          |                   |
|---|----|--------------------------|-------------------|
| IDS Form PTO/USOSB: Substitute for form 1449A/PTO   |    | <b>Complete if Known</b> |                   |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |    | Application Number       | 08/412,114        |
|   |    | Filing Date              | March 28, 1995    |
|   |    | First Named Inventor     | Twardowski et al. |
|   |    | Att Unit                 | Unknown           |
|   |    | Examiner Name            | Unknown           |
|   |    | Attorney/Doctel Number   | 08360.0005-00     |
| Sheet   | 15 | of                       | 19                |

| NONPATENT LITERATURE DOCUMENTS |                          |   |                          |
|--------------------------------|--------------------------|---|--------------------------|
| Examiner<br>Initials           | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>2</sup> |
|                                |                          | <b>TWARDOWSKI RECORD INTERFERENCE 103,988</b>   |                          |
|                                |                          | <b>DESCRIPTION</b>  | <b>DOCUMENT<br/>DATE</b> |
|                                |                          | Collection of pages from Quinton Instrument Co.'s PRC (Project Review Committee) reports authored by Bradford C. Fowler [TX 106]  | 01-31-1989               |
|                                |                          | Certified copy of the prosecution history of US Patent 5,324,274 to Martin (uncertified version is Twardowski Exhibit 90) [TX 107]  | 06-28-1994               |

| NONPATENT LITERATURE DOCUMENTS |                          |   |                          |
|--------------------------------|--------------------------|---|--------------------------|
| Examiner<br>Initials           | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>2</sup> |
|                                |                          | <b>VAS-CATH v. CURATORS OF THE UNIVERSITY OF MISSOURI<br/>WD MO 2:05-CV-00400 GAF</b>   |                          |
|                                |                          | <b>DESCRIPTION</b>  | <b>DOCUMENT<br/>DATE</b> |
|                                |                          | Complaint   | 09-22-2003               |
|                                |                          | Defendant the University's Motion to Dismiss for Lack of Personal Jurisdiction  | 11-10-2003               |
|                                |                          | Defendant the University's Motion to Dismiss Based on the Eleventh Amendment  | 11-10-2003               |
|                                |                          | FIRST AMENDED COMPLAINT for Declaratory and Prospective Injunctive Relief   | 12-09-2003               |
|                                |                          | Summons in a Civil Case (of Curators of the University of Missouri to answer the amended complaint)   | 12-08-2003               |
|                                |                          | Plaintiff Vas-Cath's Opposition to Defendant's Motion to Dismiss Based Upon the Eleventh Amendment  | 12-15-2003               |

|                       |   |                    |          |
|-----------------------|---|--------------------|----------|
| Examiner<br>Signature |  | Date<br>Considered | 07/03/05 |
|-----------------------|---|--------------------|----------|

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

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## Complete if Known

|                        |                   |
|------------------------|-------------------|
| Application Number     | 08/412,114        |
| Filing Date            | March 28, 1995    |
| First Named Inventor   | Twardowski et al. |
| Art Unit               | Unknown           |
| Examiner Name          | Unknown           |
| Attorney Docket Number | 08388.0005-03     |

## NONPATENT LITERATURE DOCUMENTS

| Examiner Initials | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translator?   |
|-------------------|----------|---|---------------|
|                   |          | VAS-CATH v. CURATORS OF THE UNIVERSITY OF MISSOURI<br>WD MO 2:03-CV-00400 GAF   |               |
|                   |          | DESCRIPTION   | DOCUMENT DATE |
|                   |          | Plaintiff Vas-Cath, Inc.'s Opposition to Defendant Curators of the University of Missouri's Motion to Dismiss for Lack of Personal Jurisdiction   | 12-15-2003    |
|                   |          | 1. Declaration of Zwacki.   |               |
|                   |          | 2. Declaration of Bradley S. Lui with exhibits 2-20:  |               |
|                   |          | 2. Preliminary Amendment and 1.607 request  |               |
|                   |          | B. Claim chart  |               |
|                   |          | 3. 1.602 Identification of Interest   |               |
|                   |          | 4. Final Decision   |               |
|                   |          | 5. MU Journalism's Washington Program   |               |
|                   |          | 6. MU's Washington Program Course Outline   |               |
|                   |          | 7. MU's Washington Program Guidelines for Project Supervisors   |               |
|                   |          | 8. MU President Pacheco   |               |
|                   |          | 9. Pacheco reviews first year at MU   |               |
|                   |          | 10. Citizenship Washington Focus trip 2004 to DC  |               |
|                   |          | 11. MU Extension Henry County 4-H events  |               |
|                   |          | 12. Picture list  |               |
|                   |          | 13. MU European Union Center  |               |
|                   |          | 14. European Union and MU Journalism exchange program   |               |
|                   |          | 15. MU Archive report of content of files from Moody's office regarding association reports, etc.   |               |
|                   |          | 16. Article from Consumer Bankruptcy News Nov. 26, 2002   |               |
|                   |          | 17. Article from PR Newswire, Feb. 19, 1997   |               |
|                   |          | 18. Article from Omaha World Herald, Mar. 7, 1997   |               |
|                   |          | 19. Letter to Lui from McCurdy, Dec. 10, 2003   |               |
|                   |          | 20. Letter to McCurdy from Lui, Dec. 11, 2003   |               |
|                   |          | Defendant The University's Reply in Support of its Motion to Dismiss Based on the Eleventh Amendment  | 01-15-2004    |
|                   |          | Defendant the University's Reply in Support of its Motion to Dismiss for Lack of Personal Jurisdiction  | 01-15-2004    |
|                   |          | Defendants' Motion to Dismiss the First Amended Complaint Based on the Eleventh Amendment; Proposed Order   | 01-29-2004    |
|                   |          | Defendants' Motion to Dismiss the First Amended Complaint for Lack of Personal Jurisdiction and Failure to State a Claim; Proposed Order; Declaration of Vickie M. Eller  | 01-29-2004    |
|                   |          | Order [dismissing MU motions to dismiss original complaint without prejudice] [dkt 38]  | 02-17-2004    |
|                   |          | Plaintiff Vas-Cath, Inc.'s Opposition to Defendants' Motion to Dismiss the First Amended Complaint for Lack of Personal Jurisdiction and Failure to State a Claim   | 03-01-2004    |

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| Examiner Signature | Date Considered |
|                    | 07/03/09        |

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 17 of 19

|                        |                   |
|------------------------|-------------------|
| Application Number     | 86/412,114        |
| Filing Date            | March 28, 1995    |
| First Named Inventor   | Twardowski et al. |
| Art Unit               | Unknown           |
| Examiner Name          | Unknown           |
| Attorney Docket Number | 08366.0005-00     |

## NONPATENT LITERATURE DOCUMENTS

| Examiner Initials | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.  | Translation <sup>8</sup> |
|-------------------|----------|--|--------------------------|
|                   |          | VAS-CATH v. CURATORS OF THE UNIVERSITY OF MISSOURI<br>WD NO 2:05-CV-00400 GAF  |                          |
|                   |          | DESCRIPTION  | DOCUMENT DATE            |
|                   |          | Plaintiff Vas-Cath's Opposition to Defendants' Motion to Dismiss the First Amended Complaint Based Upon the Eleventh Amendment;<br>Declaration of Bradley S. Lui with Exhibits 20-33<br>Exh 20 Affidavit of Lui<br>Exh 21 Summons - Sugary<br>Exh 22 Summons - Braxton<br>Exh 23 Mail receipt executed by Shagouri<br>Exh 24 Summons - Atkins/Hoskins<br>Exh 25 Summons - Bennett/Hoskins<br>Exh 26 Summons - Cairns/Hoskins<br>Exh 27 Summons - Eller/Hoskins<br>Exh 28 Summons - James/Hoskins<br>Exh 29 Summons - McClinnis/Hoskins<br>Exh 30 Summons - Ream/Hoskins<br>Exh 31 Summons - Silverstein/Hoskins<br>Exh 32 Summons - Walker/Hoskins<br>Exh 33 Summons - Walsworth | 03-01-2004               |
|                   |          | Defendants' Reply in Support of its Motion to Dismiss the First Amended Complaint Based on the Eleventh Amendment  | 03-22-2004               |
|                   |          | Defendants' Reply in Support of its Motion to Dismiss the First Amended Complaint for Lack of Personal Jurisdiction  | 03-22-2004               |
|                   |          | Defendant the University's Notice of Supplemental Authority Regarding the Eleventh Amendment and attaching Xechem Int'l v. Univ. TX MD Anderson Cancer Center  | 10-13-2004               |
|                   |          | Plaintiff Vas-Cath's Response to Defendant the University's Notice of Supplemental Authority Regarding the Eleventh Amendment  | 10-29-2004               |
|                   |          | Order Directing Transfer of Case [dkt 48]  | 04-15-2005               |
|                   |          | Defendants' Request for Consideration of Outstanding Motions and Request for Oral Argument on Outstanding Motions [dkt 65]   | 08-11-2005               |
|                   |          | Joint Proposed Scheduling Order and Discovery Plan [dkt 66]  | 08-26-2005               |
|                   |          | Plaintiff's Response to Defendants' Request for Consideration of Outstanding Motions and Request for Oral Argument [dkt 67]  | 08-26-2005               |
|                   |          | Scheduling and Trial Order [dkt 69]  | 08-31-2005               |
|                   |          | Defendants Reply in Support of its Request for Consideration of Outstanding Motions and Request for Oral Argument on Outstanding Motions [dkt 70]  | 09-09-2005               |
|                   |          | ORDER dismissing Vas-Cath's 1st amended complaint based on 11th Amendment [dkt 71]   | 10-25-2005               |
|                   |          | Order - entry of order granting MU Motion to Dismiss [dkt 72]  | 10-25-2005               |
|                   |          | Notice of Appeal to Fed. Cir. [dkt 73]   | 11-17-2005               |

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| Examiner Signature | Date Considered |
|                    | 07/23/09        |

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of


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## Complete if Known

|                        |                   |
|------------------------|-------------------|
| Application Number     | 08412,11A         |
| Filing Date            | March 28, 1995    |
| First Named Inventor   | Twardowski et al. |
| Art Unit               | Unknown           |
| Examiner Name          | Unknown           |
| Attorney Docket Number | 08286.0005-00     |

## NONPATENT LITERATURE DOCUMENTS

| Examiner Initials | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.               | Translation <sup>2</sup> |
|-------------------|-----------------------|---|--------------------------|
|                   |                       | VAS-CATH v. CURATORS OF THE UNIVERSITY OF MISSOURI<br>WD MO 2:05-CV-00400 GAF   |                          |
|                   |                       | DESCRIPTION   | DOCUMENT DATE            |
|                   |                       | Notice of Entry of Judgment accompanied by Opinion [dkt 75]   | 01/29/2007               |
|                   |                       | Mandate issued by Federal Circuit on Feb. 13, 2007 [dkt 76]   | 10-16-2007               |
|                   |                       | Order - Plaintiff files status report within 15 days [dkt 77]   | 10-16-2007               |
|                   |                       | Vas-Cath's Status Report [dkt 78]   | 10-31-2007               |
|                   |                       | Defendants' Request for Rule 16 Scheduling Conference and Response to Plaintiff's Status Report [dkt 79]  | 11-02-2007               |
|                   |                       | Letter Order from Judge Fenner—that Court will consider remaining issues in Motion to Dismiss for lack of Personal Jurisdiction and for Failure to State a Claim in docket #37; Plaintiff to respond to docket 79 within 5 days re dismissal of individually named defendants | 11-09-2007               |
|                   |                       | Letter to Judge Fenner agreeing that individual defendants may be dismissed   | 11-14-2007               |
|                   |                       | Order [dkt 80] [Granting Defendant's Motion to Dismiss for Failure to State a claim in Counts I & II]   | 12-06-2007               |
|                   |                       | Judgment - [dkt 81] [grants Defendant's motion to dismiss as to all parties]  | 12-07-2007               |
|                   |                       | Notice of Appeal [dkt 82]   | 01-04-2008               |
|                   |                       | Order dismissing appeal and Mandate from Federal Circuit-[dkt 85]   | 03-28-2008               |

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| Examiner Signature  | Date Considered |
|  | 07/03/09        |

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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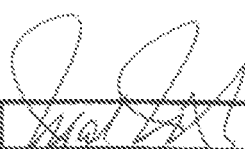
Sheet 19 of 19

## Complete if Known

|                        |                   |
|------------------------|-------------------|
| Application Number     | 08/412,114        |
| Filing Date            | March 28, 1985    |
| First Named Inventor   | Twardowski et al. |
| Art Unit               | Unknown           |
| Examiner Name          | Unknown           |
| Attorney Docket Number | 08366.0005-00     |

## NONPATENT LITERATURE DOCUMENTS

| Examiner Initials | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation          |
|-------------------|----------|---|----------------------|
|                   |          | <b>VAS-CATH v. CURATORS OF THE UNIVERSITY OF MISSOURI<br/>U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT<br/>APPEAL 08-1100</b>  |                      |
|                   |          | <b>DESCRIPTION</b>  | <b>DOCUMENT DATE</b> |
|                   |          | Notice of Docketing and official caption  | 11-29-2005           |
|                   |          | Corrected Brief of Plaintiff-Appellant Vas-Cath, Inc.   | 02-23-2006           |
|                   |          | Brief of Defendants-Appellees Curators Of The University Of Missouri, Don Walworth, Cheryl D.S. Walker, Anne C. Ream, M. Sean McGinnis, Marion H. Cairns, Angela M. Bennett, Thomas E. Atkins, Vicki M. Eller, Mary L. James and Connie Hager Silverstein.      | 04-11-2006           |
|                   |          | Reply Brief of Plaintiff-Appellant Vas-Cath, Inc.   | 05-03-2006           |
|                   |          | Oral Argument Transcript  | 09-05-2006           |
|                   |          | Decision  | 01-23-2007           |
|                   |          | <b>VAS-CATH v. CURATORS OF THE UNIVERSITY OF MISSOURI<br/>U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT<br/>APPEAL 08-1159</b>  |                      |
|                   |          | Notice of Docketing and official caption  | 1-16-2008            |
|                   |          | Motion of Plaintiff-Appellant Vas-Cath, Incorporated to Dismiss Appeal  | 3-13-2008            |

|   |                 |
|---|-----------------|
| Examiner Signature  | Date Considered |
|  | 07/03/08        |

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